IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2087 OF 2005

Mohammed Gulam Rasool Samiulla
Khan @ Guddu ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.S.C.Kanojia for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 8, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. There is evidence to indicate that the Applicant was party to the offence in question, as he had visited the gas agency show-room along with co-accused for committing robbery at the point of revolver. Indeed, it is not the prosecution case

that the Applicant was wielding revolver, but the fact remains that the Applicant was accompanying co-accused. The Applicant has been identified by the Complainant as well as another witness in the test identification parade. This evidence is sufficient to indicate complicity of the Applicant in the commission of the offence.

3. The argument that the mobile phone was recovered in another offence of similar type registered against the Applicant, for which reason, it cannot be relied upon in the present case, even if accepted, makes no difference for the nature of evidence already on record, indicating complicity of the Applicant in the commission of the offence. There are antecedents against the Applicant.

4. Taking overall view of the matter and having regard to the seriousness of the offence, not a case for bail. Hence, rejected.

5. As prayer for bail is rejected, the Trial Court is directed to ensure that the trial is disposed of as expeditiously as possible as ‘High

Court Expedited Case’.

6. In the event, the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be considered as and when occasion arises.

A.M.KHANWILKAR, J.